IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

Bail Appl..No. 3791 of 2007()

(CRIME NO. 19/2007 of THRISSUR EXCISE RANGE)

PETITIONERS/ACCUSED 1 & 2

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1. PRASAD, AGED 26 YEARS,
   S/O.BALAKRISHNAN, KOLLAMPARAMBIL HOUSE,
   IRUNILAMKODE, PALAKKAD DITRICT.

2. KUTTAN @ BABU, AGED 21 YEARS,
   S/O.SHANMUGHAN, THONDUKULAM, ARCHANA NAGAR,
   P.O.NOORANI, PALAKKAD DISTRICT.

BY ADV. SRI.NAGARAJ NARAYANAN
SRI. SAIJO HASSAN
SRI. SABU SREEDHARAN

RESPONDENTS: STATE

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI. JAI GEORGE, PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.3791 of 2007

Dated this the 21st day of June, 2007

ORDER

Application for regular bail. The petitioners were allegedly found to be in possession of 735 litres of spirit on 25.05.2007. They were arrested on the same day. They continue in custody from that date. The petitioners are the persons who were available in the vehicle which was used to transport the said quantity of spirit.

2. The learned Public Prosecutor opposes the application. Investigation is not complete. The allegations are serious. Magnitude of the operation obliges the prosecution to take a strict view. Bail may not be granted at this early stage, submits the learned Public Prosecutor. In the wake of opposition by the learned Public Prosecutor , bail can be granted to the petitioners only if this Court is in a position to entertain both the satisfactions contemplated under Section 41 A of the Kerala Abkari Act. In the facts and circumstances of the case, I am unable to entertain either of those two satisfactions. It follows that this petition is liable to be and it is hereby dismissed. I may hasten to observe that the petitioners shall be at liberty to move the learned Sessions Judge or this Court for bail at a later stage of the investigation, not at any rate prior to 11.07.2007. The Investigators shall in the meantime make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

rtr/-